

Court

YEL

case NO. for the  
09cv0878. John Harper  
Plaintiff

V-S

C.P. Davis et al  
Defendant

Northern District of Illinois

Judge William J. Hilder

FILED

MAY 24 2011

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MP

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

Magistrate Judge  
Mason.

Motion to Exclude Defendants Motion for  
Summary Judgment Pursuant to F.R.C.P. "56"  
in support of Plaintiff States The Following.

Defendants prior motion for Summary Judgment [#93]  
never Received Defendants Motion for Summary  
Judgment [#95 #], I Received "5-10-2011".

1) I have sent two Sworn Statement Declarations  
from Thomas King and Charlie Hunter #K69913 Some  
proof That it happen the way i John Harper Describe  
in complaint, if i would got Discovery photographs i  
would have 25 Declaration and Witnesses but sense  
States Attorney will not give me Discovery i ask for  
in Discovery, i never received Discovery,  
Two main Defendants are not serve, one Jane Doe  
can not be identify, Howard Davis #STAR number 7726  
i have try serve Davis" 4 Time.  
both Defendant still work that  
Cookcounty Jail.

- 2) During A Deposition Between The Plaintiff and Defendants Attorney Genuine issues of Material facts were Disputed such as A) Rather or not excessive force by Defendants do Howard Davis Star number "7786" was use against The Plaintiff That Resulted in <sup>th</sup> severe injury to him, Such force Violated The <sup>8</sup> amendment which Bans The use of cruel and unusual punishment and B) Medical record along with guilty Medical Doctor and nurse Practitioner will Substantially Prove That The Plaintiff was Attacked.
- 3) Such Disputes Creates issues of Genuine Material facts That only A Jury can Resolve.
- 4) Where fore The Plaintiff Respectfully Request That Defendants motion for Summary Judgment Should be Dismissed Due to Their being Disputed "Genuine issues of Material facts i.e., That The Plaintiff was severely Beaten and such conduct on The part of The Defendants Violates The Strictly of The U.S. Constitution Particularly The <sup>8</sup> amendment on cruel and unusual punishment Defendant motion Should be

" Dismissed "

I John Harper Swear Under Penalty of Perjury That  
I service 3 copy of attached Document to Clerk  
at Mengel Correctional center

John Harper  
N-51944